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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,547

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Michael P. Crider

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PERKINS COIE LLP/MSFT

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT

PAPER NUMBER

2176

MAIL DATE

DELIVERY MODE

10/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,547

Applicant(s)

CRIDER ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 25-39 and 48-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 40-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/12/04 & 6/20/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Restriction Requirement filed 07/13/2007.

Claims 1-24 and 40-47 are presented for examination. Claims 1, 13, and 40 are independent claims. Claims 25-39 and 48-55 are withdrawn from consideration.

Applicant is required to cancel non-elected claims 25-39 and 48-55 in the next response to this Office Action.

Election/Restrictions

2. Applicant's election traverse of Group I (claims 1-24 and 40-47) in the reply filed 07/13/2007 is acknowledged. The traversal is on the ground(s) that *claims 25-30 of Group II should be included with the claims of Group I*. This is not found persuasive because of the fact that the embodiments may be searched together cannot preclude a requirement for restriction if their appearances are considered patentably distinct, since patentably distinct embodiments cannot be supported by a single formal design claim. In this case, there are two patentably distinct groups of claims, one is drawn to *display the element in accordance with the layout of the condition* and the other is drawn to *the child content elements are only defined once even though they can be laid out*, which are

specifically classified in two different subclass. Thus, the requirement for restriction is still deemed proper and is therefore made FINAL.

Drawings

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which are old are illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

4. The Applicants' Information Disclosure Statements, filed 08/12/2004 and 06/20/2005, have been received, entered into the record, and considered.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitations “a cell” and “a child element” (claim 9, line 2) render the claim indefinite because it is unclear if it is referring to “a cell” and “a child element” recited in claim 8.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 40-47 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a signal directly or indirectly by claiming a medium and the Specification (see paragraph 0026) recites evidence where

the computer-readable medium is define as a “data transmission” (such as signal). In that event, the signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of § 101.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 and 40-47 are rejected under 35 U.S.C. 102(e) as being anticipated by

O'Brien (US 7272789, filed 11/2003).

As to claim 1:

O'Brien teaches a method for specifying alternate layouts of an element of a display description specified using a display description language (*col. 6, lines 10- col. 7, line 27*), the method comprising:

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- providing a definition of the element; providing a first condition and a first layout for the definition of the element (*e.g., elements of the design to be laid out according to a rule, or a set of rules, which define desirable layouts. The rules relate to the positioning of the many different elements which make up the work; col. 6, lines 10- col. 7, line 27; and col. 9, lines 57-67*);
- providing a second condition and a second layout for the definition of the element (*e.g., [R]ules may also relate to the typographical formatting of the work such as the hyphenation and justification rules. The design elements may include textual and graphic elements such as figures, photographs, sidebars, illustrations, graphs and tables and others as determined by the work's designer. The rules are defined in terms that relate any element either to another element or a physical property of the geometric information display, such as an edge or a margin*); and
- when processing the definition of the element, displaying the element in accordance with the first layout when the first condition is satisfied; and displaying the element in accordance with the second layout when the second condition is satisfied (*e.g., Through the application of these rules, using the processes defined ... fully automate the layout of page-views composed of dynamically-supplied data; col. 6, lines 10- col. 7, line 27; and col. 9, lines 57-67*).

As to claim 2:

O'Brien teaches the element has a class and the conditions and layouts are provided in a style for that class (*e.g., elements of the design to be laid out according to a rule, or a set of rules, which define desirable layouts; col.6, lines 3-22*).

As to claim 3:

O'Brien teaches the conditions (*e.g., rules*) and layouts (*e.g., layouts or styles*) are attributes of an element for that class [*col. 6, lines 3-22*].

As to claim 4:

O'Brien teaches the conditions (*e.g., rules*) and layouts (*e.g., layouts or styles*) are provided as attributes within the definition of the element (*e.g., [T]he rules are defined in terms that relate any element either to another element or a physical property of the geometric information display*) [*col. 6, lines 10-22*].

As to claim 5:

O'Brien teaches the element has child elements and the layouts specify the layout of the child elements (*e.g., the layout of sub-elements or nested elements with larger elements; col. 20, line 56 – col.21, line 7*).

As to claim 6:

O'Brien teaches a layout is from, among other things, vertical layout (*i.e., the vertical position of the lower edge of border; col. 15, lines 1-11, see also Figs 10a and the associated text*).

As to claim 7:

O'Brien teaches a layout specifies a table in which the child elements are to be displayed (*e.g., a dynamic scope of layout components including sub-elements on a page that must fit within a define element ... the page extent of a document included of multiple sections or chapter; col. 23, lines 1-13*).

As to claim 8:

O'Brien teaches the layout that specifies a table further specifies a cell within the table for a child element (*e.g., a table including multiple column and rows ... define a table to include a number of cells; col. 15, line 61-col. 16, line 67*).

As to claim 9:

O'Brien teaches the layout that specifies a table further specifies that a cell for a child element is to be automatically selected (*e.g., define a table to include a number of cells ... the user to select the shadow only behind the first cell; col. 16, lines 45-67*).

As to claim 10:

O'Brien teaches the layout that specifies a table further specifies a cell within the table for a child element and another cell for another child element is to be automatically selected (*e.g., define a table to include a number of cells ... the user to select the shadow only behind the first cell ... is et to "span" ... the last cell has been placed and will stretch from the original instance of the table cell to the last instance of the table cell; col. 16, lines 45-67*).

As to claim 11:

O'Brien teaches the display description language is XML based (*e.g., XML; col.4, line 54 and col.11, lines 56-60*).

As to claim 12:

O'Brien teaches the display description language is HTML based (*e.g., HTML; co. 11, lines 4-60*).

As to claims 13-24:

Refer to Claims 1-12 above. Claims 13-24 are the same as Claims 1-12, except Claims 13-24 are systems Claims and Claims 1-12 are method Claims.

As to claims 40, 43- 44 and 46-47:

Refer to claims 1, 4-5, and 11-12 above. Claims 40, 43- 44 and 46-47 are the same as Claims 1, 4-5, and 11-12, except claims 40, 43- 44 and 46-47 are systems claims and claims 1, 4-5, and 11-12 are method claims.

As to claim 41:

O'Brien teaches the conditions and layouts are defined in a style associated with the element (*e.g., elements of the design to be laid out according to a rule, or a set of rules, which define desirable layouts. The rules relate to the positioning of the many different elements which make up the work. Rules may also relate to the typographical formatting of the work such as the hyphenation and justification rules. The design elements may include textual and graphic elements such as figures, photographs, sidebars, illustrations, graphs and tables and others as determined by the work's designer. The rules are defined in terms that relate any element either to another element or a physical property of the geometric information display, such as an edge or a margin; col. 6, lines 10-22*).

As to claim 42:

O'Brien teaches the style is associated with the element based on a class (*e.g., layouts or styles... The rules are defined in terms that relate any element either to another element or a physical property of the geometric information display, such as an edge or a margin;*

col. 6, lines 6-22).

As to claim 45:

O'Brien teaches the data structure is specified using a display description language (e.g., *[T]he intermediate output 110 is one or more data sets including raw text and graphical content, which may be supplemented in part by some markup or tag information such as is used by XML; col. 9, lines 16-26).*

Conclusion

8. The prior art made of record, see PTO 892, and not relied upon is considered pertinent to applicant's disclosure. Applicant should review these references carefully before responding to this office action.

Contact information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached at (571) 272-4137.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for patents

P.O. Box 1450

Alexandria, VA 22313-1450

MN

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PRIMARY EXAMINER